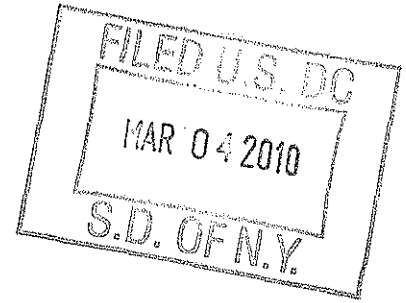


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



PATRICK L. GEARREN and JAN  
DEPERRY, on Behalf of Themselves and a  
Class of Persons Similarly Situated,

Plaintiffs,

v.

THE MCGRAW-HILL COMPANIES, INC.;  
THE PENSION INVESTMENT  
COMMITTEE OF MCGRAW-HILL;  
MARTY MARTIN; THE BOARD OF  
DIRECTORS OF THE MCGRAW-HILL  
COMPANIES, INC.; PEDRO ASPE; SIR  
WINFRIED BISCHOFF; DOUGLAS N.  
DAFT; LINDA KOCH LORIMER;  
ROBERT P. MCGRAW; HAROLD  
MCGRAW, III; HILDA OCHOA-  
BRILLEMBOURG; SIR MICHAEL RAKE;  
JAMES H. ROSS; EDWARD B. RUST, JR.;  
KURT L. SCHMOKE, SIDNEY TAUREL,  
and; JOHN DOES 1-20,

Defendants.

ECF Case

Case No. 1:08-cv-07890-RJS

Judge Richard J. Sullivan

**NOTICE OF APPEAL**  
**IN A CIVIL CASE**

X

X

Notice is hereby given that Plaintiffs Patrick L. Gearren and Jan Deperry, on their own behalves and as representatives of a class of persons similarly situated, hereby appeal to the United States Court of Appeals for the Second Circuit from the Opinion and Order dated and entered February 10, 2010, granting Defendants' motions to dismiss (Document 40), and from the Judgment in a Civil Case dated and entered on February 18, 2010 (Document 43).

Dated: March 3, 2010

  
**STULL, STULL & BRODY**

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*Attorneys for Plaintiffs Patrick L. Gearren  
and Jan Deperry*

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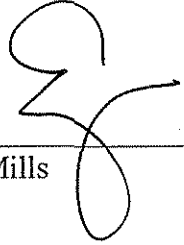
\* Appellate Counsel of record.

**CERTIFICATE OF SERVICE**

I, Edwin J. Mills, hereby certify that on this 3<sup>rd</sup> day of March, 2010, a true and correct copy of the foregoing document was served on the below-listed counsels by overnight mail, addressed as follows:

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\_\_\_\_\_  
Edwin J. Mills